

**TESTIMONY OF REPRESENTATIVE MARTIN HEINRICH (NM-01)  
ON H.R. 205 THE HELPING EXPEDITE AND ADVANCE  
RESPONSIBLE TRIBAL HOMEOWNERSHIP ACT OF 2011**

**LEGISLATIVE HEARING OF THE HOUSE SUBCOMMITTEE ON  
INDIAN AND ALASKA NATIVE AFFAIRS**

**NOVEMBER 3, 2011**

Thank you, Chairman Young and Ranking Member Boren, for holding this hearing on HR 205.

I introduced the HEARTH Act after meeting with several housing directors from New Mexico's pueblos where I learned about the onerous process for securing a long-term lease on trust land. We all know how important homeownership is to healthy communities, and the last thing the federal government should do is stand in the way of families ready and willing to buy a house.

Native families buying a house go through the same process as anyone else: they find a house they like, work with their bank to gain approval for a mortgage, and make an offer to the seller. But before these families can close on the sale, they need approval from the Bureau of Indian Affairs to lease the land the house is built on. That approval can take between six months and two years—an intolerable delay for most buyers. A seller is rarely able to wait two years to sell their house, and banks are often unable to hold a mortgage approval for that long.

I know there are many families who would prefer to stay and raise their children in the communities where their families have lived for generations—but instead have moved to nearby cities because they want to own a home. Families shouldn't be forced to make such an important decision based on how many months or years it will take a federal bureaucracy to approve a mortgage on tribal land.

Similarly, many tribal communities lose out on commercial investment because the process for securing a lease through the BIA takes so long. In these tough economic times, we should not be making it harder for business to develop on tribal land.

The HEARTH Act would allow tribes to develop their own leasing regulations and make leasing decisions on the tribal level, rather than waiting for BIA approval. Under the bill, tribes would submit their regulations to the Secretary of the Interior for approval. Once the regulations are approved, tribes would be authorized to make their own decisions about how to lease their land, in accordance with the approved leases.

This process would be completely voluntary for tribes—a tribe that chooses not to submit leasing regulations for approval would continue under the current system of BIA lease approval. Many tribes already have a lease approval process through their tribal government that approves land leases before they're sent to BIA. For those tribes that want the authority and responsibility for making final leasing decisions at the tribal level, the HEARTH Act would give them the option of doing so. Our nation is home to a vast diversity of tribes, and federal policy should reflect that diversity.

Some questions have been raised regarding the minimum requirements outlined in the bill for tribal leasing regulations. Over the past few weeks, I have worked with Ranking Member Markey, interested tribes, and the National American Indian Housing Council, to agree on a requirement that tribal regulations meet or exceed the requirements of the existing BIA regulations on leases.

This will allow tribes to take charge of their leasing programs while ensuring that all tribal regulations meet a consistent standard, and I hope that the members of this subcommittee will support the addition of this provision.

The HEARTH Act will allow tribes to exercise greater control over their lands, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities. I urge this subcommittee's support for this important legislation.

Thank you, Mr. Chairman, for holding this hearing, and thank you to the subcommittee for your consideration of this bill.